



## CITY OF LODI

## COUNCIL COMMUNICATION

**AGENDA TITLE:** Public Hearing to Consider Appeal Received from Mullen, Sullivan & Newton on Behalf of Richard Galantine Regarding Mitigation Fees and for the Applicability of the Dedication and Off-Site Improvement Sections of the Lodi Municipal Code

**MEETING DATE:** March 20, 1996

**PREPARED BY:** Public Works Director

**RECOMMENDED ACTION:** Conduct a public hearing and take appropriate action regarding payment of mitigation fees and the applicability of the required dedications for public right-of-way and installation of street improvements for property located at 901 South Cherokee Lane.

**BACKGROUND INFORMATION:** The issue in this matter revolves around paving and other site improvements made at 901 South Cherokee Lane without benefit of permit, payment of required fees or installation of required street improvements. The site is located at the southwest corner of Cherokee Lane and Vine Street. A sketch of the site and the improvements in question is attached as Exhibit A.

Staff previously provided Council with a copy of correspondence, dated June 20, 1995, from staff to the property owner, Mr. Galantine, detailing the history and circumstances surrounding this matter and outlining the requirements necessary to bring the development into compliance with City standards. A copy of that correspondence is attached as Exhibit B.

Prior to the June 20 correspondence, a letter dated May 12, 1995 was sent to Mr. Galantine regarding the pavement and grading work being done in Cherokee Lane and Vine Street without the required encroachment permit. This work was discovered in progress by a Public Works Inspector and a stop work order issued immediately. A list of concerns related to public safety issues caused by the unpermitted paving was provided in the letter and a response was requested from Mr. Galantine. A copy of that letter is attached as Exhibit C.

On June 30, 1995, a Notice of Appeal, from Stephen C. Snider of Mullen, Sullivan & Newton, on behalf of Mr. Galantine was received. A copy of the appeal is attached as Exhibit D. Staff contacted Mr. Snider and it was agreed to postpone the appeal and try to resolve the matter without Council action. On July 20, 1995, a meeting was held between City staff and Mr. Snider. Mr. Galantine was not in attendance. At the close of that meeting, it was agreed that City staff would prepare a cost estimate for the off-site improvements on Cherokee Lane and would adjust the Development **Impact** Mitigation Fees on the basis of a **Water/Wastewater** Questionnaire to be completed by Mr. Galantine and returned to the Public Works Department. On July 27, 1995, a letter containing the estimated cost of the Cherokee Lane street improvements was sent to Mr. Snider's office. A copy of this correspondence is attached as Exhibit E. It was suggested that the cost of the improvements could be included in the Cherokee Lane Improvements portion of the Central City Revitalization Program if Mr. Galantine **so** desired. A cost estimate showing the estimated assessment district costs and the cost of including the Cherokee Lane street improvements was also provided. This offer was formalized in October when all owners on Cherokee Lane lacking street improvements were offered this option.

APPROVED:

H. Dixon Flynn -- City Manager

The **Water/Wastewater** Questionnaire needed to adjust the Development Impact Mitigation Fees was not received until September 26, 1995. The fees were recalculated based on the information provided and a summary of the adjusted fees sent to Mr. Snider's office on October 3, 1995. A copy of this correspondence is attached as Exhibit F. The fees were reduced approximately \$10,000.00.

There was no response to the correspondence sent by the City after the July 20 meeting until February 2, 1996, when a request to reinstate the appeal was received from Mullen, Sullivan & Newton.

There are essentially four issues which require Council action. The issues and staff recommendations are listed below:

1) Cherokee Lane Improvements and Right-of-way Dedication

This requirement was triggered by the value of the improvements made to Mr. Galantine's property. The value is not necessarily the same as the out-of-pocket cost to the developer. Generally, the value used to determine whether off-site improvements and dedications are required is supplied by the Community Development Department's Building Division based on information submitted with the construction application for a building permit. Since Mr. Galantine did not apply for any permits, the value of the improvements was based on an estimate of the cost of the improvements if done by a typical contractor. If the owner got a "good deal" or did a portion of the work himself, the value would not be reduced to reflect his actual out-of-pocket costs. In addition, there was other work done under permit on existing structures at the site within a 12-month period which is also included when determining whether or not off-site improvements are required. The value of that work was set at \$11,000.00 by the Building Division. In staff's opinion, the value of the work completed was well over the \$27,400.00 threshold value in effect at the time of improvement.

The improvements and dedication required on Cherokee Lane include dedication of a corner cutoff to allow installation of a handicap ramp and the installation of curb, gutter, sidewalk, shoulder paving and landscaping conforming to the Central City Revitalization Program Concept Plan. This will require removal of the pavement placed along the Cherokee Lane frontage without the required permit or inspection. The improvements require preparation of engineered improvement plans prepared by a licensed civil engineer and payment of plan check and inspection fees.

Staff recommends the requirement for right-of-way dedication and installation of off-site improvements on Cherokee Lane be upheld. The owner has been offered the option of providing engineered plans and installing the improvements under the terms of an encroachment permit issued by the Public Works Department or including the cost of the street improvements in the parcel assessment for the Central City Revitalization Project. If included in the Revitalization Project assessment, the City will provide design services free of charge. The owner will be asked to sign an agreement authorizing the cost of the improvements to be added to the parcel assessment and will agree not to protest the District formation.

Should the Council elect to waive or defer the improvements to Cherokee Lane, the public safety hazards created by the installation of unpermitted pavement in Cherokee Lane still need to be addressed. There are no provisions to protect pedestrians from vehicles or to protect vehicles from

a utility pole and speed limit sign which are now in the paved portion of the roadway. At a minimum, staff recommends that the owner install a curb at the future curb line to identify the edge of the road and to provide some measure of protection for pedestrians. The design of the curb needs to be approved by the Public Works Department prior to installation. The curb would be installed by a licensed contractor under the terms of an encroachment permit issued by the Public Works Department.

In a related matter, Cherokee Lane south of Vine Street is a restricted access street. Any new driveways require Council approval. The southerly driveway at the site was installed without Council approval. Staff has no objection to the location of the southerly driveway and recommends that Council approve the location on condition of installation of the required street improvements.

## 2) Vine Street Dedication and Improvements

This requirement was also triggered by the value of the improvements made to the property. The right-of-way dedication required on Vine Street is 12 feet. Installation of curb, gutter, sidewalk and pavement for street widening is also required.

Staff recommends that the dedication and improvement installation requirements on Vine Street be upheld. However, since the ultimate right-of-way will encroach on existing buildings on the parcel, staff recommends that the improvements on Vine Street be deferred under the terms of an Improvement Deferral Agreement to be approved by the Council. The Agreement should **also** provide compensation for moving the encroaching structures at the time the improvements are actually installed. These terms are similar to other deferral agreements approved in the past

## 3) Fees

- a) Development Impact Mitigation Fees have been required due to a change in land use; i. e., installation of a commercial operation on a previously undeveloped portion of the property. The impact fees have been adjusted downward to reflect information provided on the **Water/Wastewater** Questionnaire and to exclude the existing residential development on the parcel.

Staff recommends that the payment of Development Impact Mitigation Fees be upheld. The impact of a commercial used car operation on City systems is certainly greater than that of bare ground. The site has been graded and paved and one of the residential units has been converted into an office for the commercial operation.

- b) A water service upgrade and water meter installation is required on the existing 2-inch water service in conformance with Lodi Municipal Code (LMC) Chapter 13.08. Section 13.08.050. The costs of the service upgrade and 2-inch meter installation are \$933.33 and \$500.00, respectively. If a 1½-inch meter will suffice, the meter installation charge will be \$360.00.

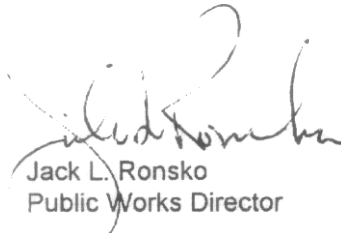
Staff recommends that the water service upgrade and water meter installation fees be upheld in conformance with Paragraphs A.4. and A.5. of the above-referenced LMC Section.

4) Miscellaneous Requirements

Since the site has been developed and pavement installed, the on-site storm drainage needs to be collected on-site and discharged to the public storm drain system in conformance with City standards. The on-site system can be connected to the existing catch basin at the southwest corner of Cherokee Lane and Vine Street under the terms of an encroachment permit issued by the Public **Works** Department. However, an encroachment permit cannot be issued until the Development Impact Mitigation Fees for storm drainage have been paid.

Staff recommends that the property be required to comply with existing City standards regarding collection of on-site drainage and connection to the public storm drain system, as stated above, including payment of the impact fees for storm drainage.

FUNDING. Not applicable.



Jack L. Ronsko  
Public Works Director

Prepared by Sharon A. Welch, Associate Civil Engineer

JLR/SAW/lm

Attachments

cc: City Attorney  
Deputy City Attorney  
City Engineer  
Associate Civil Engineer - Development Services  
Mullen, Sullivan & Newton

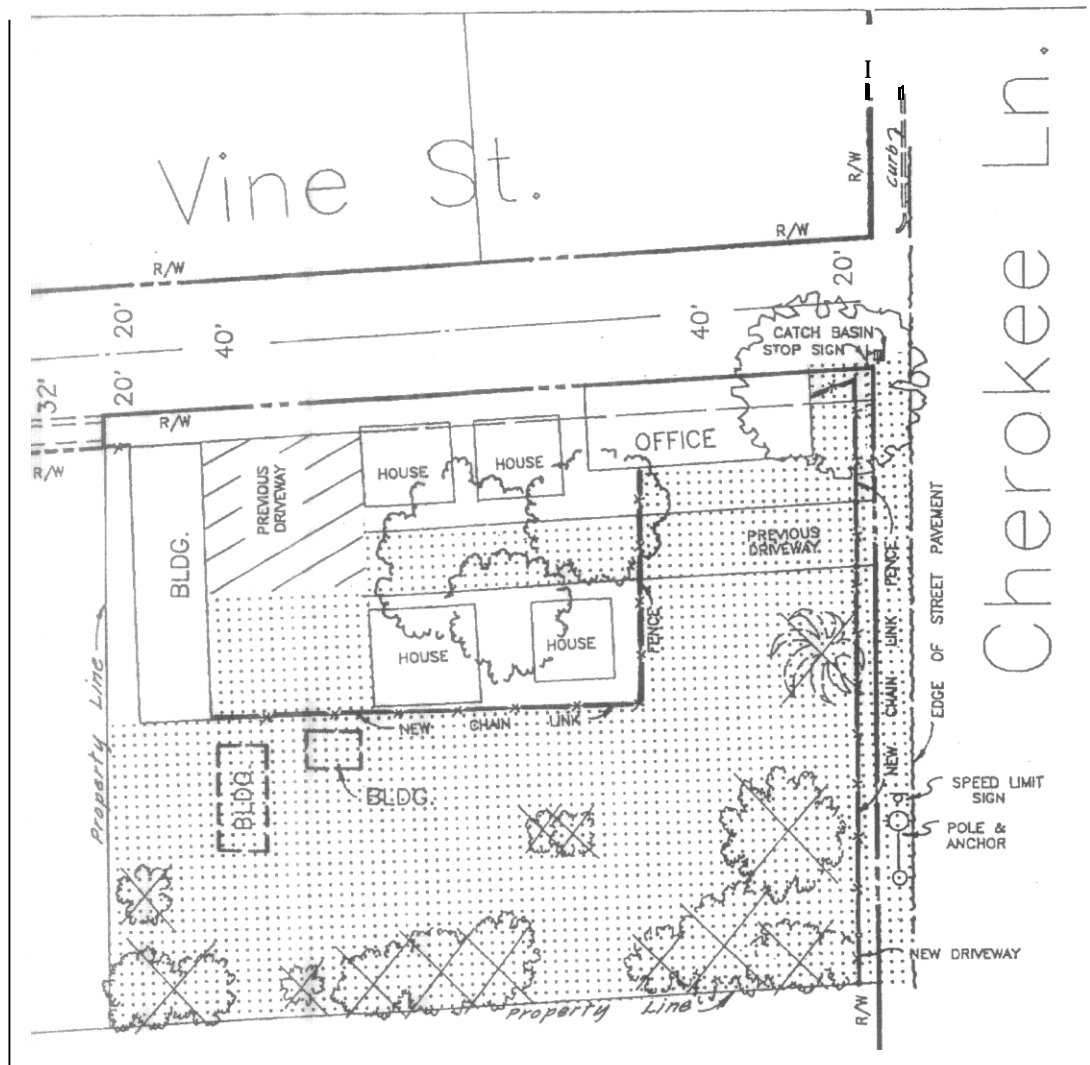


CITY OF LODI

PUBLIC WORKS DEPARTMENT

## EXHIBIT A

901 South Cherokee Lane



Location of structures taken from 1992 aerial photograph.

### LEGEND:



New Asphalt Pavement

Previous Pavement



Building Removed

Tree Removed

N.T.S.

## EXHIBIT B

### CITY COUNCIL

STEPHEN J. MANN, Mayor  
DAVID P. WARNER  
Mayor Pro Tempore  
RAY G. DAVENPORT  
PHILLIP A. PENNINO  
JACK A. SIEGLOCK

## CITY OF LODI

CITY HALL, 221 WEST PINE STREET  
P.O. BOX 3006  
LODI, CALIFORNIA 96241-1910  
FAX 12091 333-6842

THOMAS A. PETERSON  
City Manager  
JENNIFER M. PERRIN  
City Clerk  
BOB McNATT  
City Attorney

June 20, 1995

Mr. Richard Galantine



SUBJECT: **901 S. Cherokee Lane**

This letter is being sent to you as a result of the work you have done at **901 S. Cherokee Lane** without obtaining the required permits.

In your initial discussions a few months ago with Public Works Department staff, you indicated that you wanted to install a fence around the rental units on your parcel to provide more security for your buildings and, perhaps, pave part of the southerly undeveloped portion of the parcel for long term storage of boats, RV's, etc. Your main concern at that time seemed to be the lack of security for your tenants. You were advised by staff that any portion of the undeveloped site paved for long term Storage purposes would be subject to Development Impact Mitigation Fees for storm drainage. You were also advised that if a second driveway entrance from Cherokee Lane was desired, approval of the driveway location would have to be obtained from the City Council. You indicated at that time that you would be using the driveway on Vine Street if you created the storage space.

Subsequent discussions with staff included drainage concerns on Cherokee Lane and Vine Street fronting your property. You were advised that you could not do any work in the public right-of-way without submitting plans and obtaining an encroachment permit.

Since these initial discussions, you **have** demolished existing structures at the site, regraded and paved your parcel and placed asphalt concrete in the Cherokee Lane right-of-way without obtaining the required demolition and encroachment permits. Your development plan has also changed and apparently you have established a used car lot on the south half of the parcel with a new, unapproved driveway on Cherokee Lane.

The establishment of this commercial operation on a previously undeveloped portion of your parcel was not the subject of the initial discussions. The scope of work completed at the site is sufficient in valuation to subject the project to the conditions and requirements of Chapter 15.44 of the Lodi Municipal Code, Off-Site Improvements and Deductions. A copy of this section of the Code is attached. This ordinance sets forth

requirements for installation of public improvements and dedications for public right-of-way if the cost of a development within any twelve month period exceeds a predetermined threshold value. The current threshold value is **\$27,400**. We estimate the value of the demolition work, regrading, paving and fence installation at the site to be very close to this amount. Coupled with the remodel work to existing structures done in 1994, for which building permits showing a combined project valuation of \$11,000 were issued, the value of the improvements to your property within the last twelve months clearly exceeds **\$27,400**. Therefore, off-site improvements and right-of-way dedications are required.

The construction of an auto sales business on a previously vacant property is also subject to the Development Impact Mitigation Fee Ordinance (Lodi Municipal Code, Chapter **15.64**). A copy of the ordinance is attached.

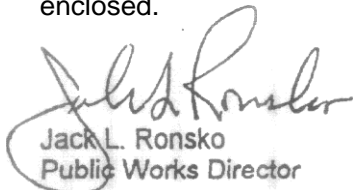
A summary of the requirements necessary to bring your development into compliance with current City requirements is as follows:

- 1) Obtain Council approval for the second Cherokee Lane access shown on your site plan layout. Cherokee Lane, south of Vine Street, is a restricted access street. New driveways or openings along your frontage must be approved by the City Council. Staff has no objection to the proposed driveway location. We will take this item to the Council upon resolution of the remaining items.
- 2) Pay Development **Impact** Mitigation Fees **for** the new commercial operation. The enclosed Bill #E-1309 represents the Development Impact Mitigation Fees for a commercial operation on previously undeveloped property. The acreage subject to the fees has been adjusted to exclude the existing residential development and the previously existing laundry and shop buildings which have been demolished. The standard rates for a retail commercial development have been charged. It is possible that these rates could be adjusted based on information specific to your business operation to be provided in the Water/Wastewater Questionnaire addressed in Item 3 below.
- 3) Pay additional sewer capacity fee for retail commercial operation. Enclosed is a Water/Wastewater Questionnaire which needs to be completed and returned to our office. The information provided on the questionnaire will be used to determine any additional sewer capacity fees required for this parcel due to the addition of the auto sales business.
- 4) Connect the on-site storm drain system to the public storm **drain** system. The on-site storm drain system needs to **be connected** to the catch basin at the southwest corner of Cherokee Lane and Vine Street. This work requires an encroachment permit from the Public Works Department. An encroachment permit cannot be issued until the Development Impact Mitigation Fees for storm drainage have been paid.

- 5) Dedicate right-of-way on Cherokee Lane and Vine Street for street widening. Dedication of right-of-way is required on Cherokee Lane and Vine Street to meet City street standards. City staff will prepare the legal descriptions and deeds for your signature.
- 6) Design and install off-site improvements on Cherokee Lane (curb, gutter, sidewalk, paving and landscaping) In conformance with City Design Standards and Cherokee Lane section of the Central City Revitalization Program. Engineered improvement plans and an encroachment permit issued by the Public Works Department are required for this work. The plans need to be prepared by a registered Civil engineer in conformance with the City of Lodi Design Standards and submitted to the Public Works Department with the applicable fees for review and approval. If you wish, the improvements could be incorporated into the proposed Cherokee Lane Assessment District to take advantage of the long term financing.

Since the ultimate right-of-way on Vine Street will encroach on existing buildings on the parcel, the City is willing to defer the improvements on Vine Street under the terms of an Improvement Deferral Agreement. The agreement will also provide compensation for the encroaching structures at the time the off-site improvements are actually installed on Vine Street. The agreement will require City Council approval.

Please contact City Engineer Richard Prima at (209) 333-8706 as soon as possible to discuss the above items. It is our intention to make the City Council aware of this matter. You have the right to appeal the above requirements to the City Council. The appeal procedure is included in Chapter 15.44 of the Lodi Municipal Code which is enclosed.



Jack L. Ronsko  
Public Works Director

JLR/SAW

cc: City Council  
City Manager  
City Engineer  
Street Superintendent  
Senior Civil Engineer  
Associate Civil Engineer • Development Services  
P.W. Inspector McVicker



The sign face shall be white in color. All lettering or printing shall be red in color, and all two-inch letters shall have a minimum one-fourths-inch stroke, and all one-inch letters shall have a minimum three-sixteenths-inch stroke.

D. Prosecutions. Chapter 1.08 of this code applies to prosecutions under this section. (Ord. 1384 § 1, 1986; prior code § 5.40)

#### **15.40.110** Alteration or modification.

On-site fire protection facilities, whether installed before or after the effective date of the ordinance codified in this chapter, may be altered or repaired with the written consent of the fire chief; provided, that such alterations or repairs shall be carried out in conformity with the provisions of Section 15.40.030. (Prior code § 5-39)

### Chapter 15.44

#### OFF-SITE IMPROVEMENTS AND DEDICATIONS

##### Sections:

- 15.44.010** Purpose.
- 15.44.020** Definitions.
- 15.44.030** Compliance required.
- 15.44.040** Exemption or deferment.
- 15.44.050** Improvements required.
- 15.44.060** Right-of-way and easement dedications.
- 15.44.070** Completion or guarantee.
- 15.44.080** Inspection and approval.
- 15.44.090** Fees.
- 15.44.100** Appeal.

#### **15.44.010** Purpose.

The purpose of this chapter is to set forth requirements for the installation of nonexistent or inadequate nonconforming public off-site improvements and the dedication of public rights-of-way and easements as a condition to the issuance of a building permit or development approval in order to protect and improve the public's safety, convenience and general welfare. (Prior code § 5-19)

#### **15.44.020** Definitions.

For the purpose of this chapter, the following words and phrases have the meanings respectively ascribed to them by this section:

A. "Development" means all residential, commercial and industrial construction or remodeling, as well as developments of public agencies, including but not limited to on-site parking facilities, open storage areas, and other similar improvements which may or may not require a building permit.

B. "Off-site improvement" means all publicly owned facilities that are or will be located in the public right-of-way which typically include, but are not limited to, curbs, gutters, sidewalks, street paving, storm drains, water mains, sewer lines, fire hydrants, electrical facilities, street lights and landscaping. (Prior code § 5-20)

#### **15.44.030** Compliance required.

No building permit shall be issued for a development nor shall an on-site parking facility, open storage area or other similar improvement be created or constructed within the city unless compliance is made with the public off-site

improvements and dedication requirements set forth in this chapter. (Prior code § 5-21)

**15.44.040** Exemption or deferment.

A. The requirements of Section 15.44.030 do not apply if the cost of development within any twelvemonth period is determined by the public works director to be less than twenty-five thousand dollars. This amount shall be adjusted by the public works director on July 1st of each year, beginning on July 1, 1994, based upon the change of the U.S. Avenge Engineering News-Record Building Cost Index, using the following formula:

$$\text{Amount} = \$25,000 \times \frac{\text{ENR Index for June}}{2838 \text{ (ENR Index for June 1992)}}$$

and that the amount shall be rounded to the nearest one hundred dollars.

B. The city may defer compliance with the requirements of Section 15.44.030 if the public works director determines that it would be in the best interest of the city to cause all or a portion of the work to be done on an area-wide basis, provided that

the property owner enters into an agreement with the city agreeing that the property owner will undertake and start the construction of the required improvements within ninety days after notice is given by the city. The agreement shall further provide that in the event of default in undertaking and completing the required improvements within the time specified, the city may cause such work to be done and the cost thereof to be assessed as a lien against the property. Such agreement shall also be considered as a covenant running with the land and shall be recorded in order to constitute notice to any prospective buyer of such property. The city manager is authorized to execute such an agreement for and on behalf of the city. (Prior code § 5-22: Ord. 1569 § 1, 1993)

**15.44.050** Improvements required.

A. The off-site improvements required for all development under this chapter are as follows:

1. Curb, gutter, sidewalk, driveways and street improvements shall be

installed fronting ~~all portions~~ of the developer's properly ~~being developed~~ which fronts upon a public street or future public street. The improvements shall be in accordance with the then-current city policies and city standards.

2. Water, sewer, storm drains and landscaping shall be installed in accordance with the ~~then-current~~ city policies and city standards.

3. Electrical facilities and street lights shall be installed in accordance with plans prepared and approved by the city utility department.

B. Plans showing the off-site improvement menu shall be prepared by a registered civil engineer unless waived by the public works director.

C. The installation of off-site improvements within existing public right-of-way requires an encroachment permit from the city.

D. If off-site improvements exist that do not meet existing city standards or are inadequate or a hazard to the general public, then these off-site improvements shall be reconstructed to current city standards.

E. No occupancy permit shall be issued or utility connections made unless the required off-site improvements and dedications have been completed and approved.

F. Street improvements and dedications made pursuant to this chapter are eligible for reimbursement as provided in Chapter 16.24 of this code. (Ord. 1527 § 9, 1991; prior code § 5-23)

#### **15.44.060 Right-of-way and easement dedications.**

The public right-of-way and easement dedications required under this chapter shall be in conformance with the then-current city

design standards and adopted specific plans. The required dedications shall be made prior to the issuance of a building permit or allowing the development to proceed. (Prior code § 5-24)

#### **15.44.070 Completion or guarantee.**

Any person required to construct off-site improvements under this chapter shall either complete same to city specifications or shall guarantee such completion by furnishing to the city, prior to the issuance of a building permit or allowing a development to proceed, a surety bond, instrument of credit, or cash in the amount of the development's construction cost. (Prior code § 5-25)

#### **15.44.080 Inspection and approval.**

Off-site improvements required under this chapter are subject to the inspection and approval of the public works director. (Prior code § 5-26)

#### **15.44.090 Fees.**

The then-current applicable development fees must be paid prior to the issuance of a building permit, or allowing the development to proceed, including:

- A. Development impact mitigation fees;
- B. Wastewater connection fee;
- C. Engineering fee;
- D. Other established development fees

and fees for service. (Ord. 1518 § 3, 1991; prior code § 5-27)

#### **15.44.100 Appeal.**

A. Any person required to make improvements or dedications under this chapter may appeal any decision of the public works director to the city council. Such appeals shall be in writing and shall be filed

## 15.44.100

with the city clerk within **fifteen** days of the date notice of the decision is **made**.

B. **The** city council shall hold a hearing on the appeal within **thirty** days of the date on which the appeal **was** filed. The city clerk shall **send** written notice of the hearing to the appellant at least **seven** days prior to the date of the hearing. The determination of the city council shall be considered as final. (Prior code § 5-28)

### Chapter 15.48

#### SCHOOL FACILITIES DEDICATIONS

##### Sections:

##### Article I. General Provisions

- 15.48.010** Title and purpose.
- 15.48.020** Statutory authority—  
Conflicts.
- 15.48.030** General plan  
conformance.
- 15.48.040** Regulation  
promulgation.

##### Article II. Definitions

- 15.48.050** Applicability.
- 15.48.060** Developer.
- 15.48.070** Dwelling unit.
- 15.48.080** Mobilehome space.
- 15.48.090** School districts.
- 15.48.100** Conditions of  
overcrowding.
- 15.48.110** Reasonable methods of  
mitigating conditions of  
overcrowding.
- 15.48.120** Residential  
development

##### Article III. Procedure and Requirements

- 15.48.130** Notice of overcrowding  
by school districts—  
Findings.
- 15.48.140** Notice of overcrowding  
by school districts—  
Contents.
- 15.48.150** Designation of  
overcrowded school.
- 15.48.160** Residential development  
approval— Findings  
required.
- 15.48.170** Residential development  
approval—Exemptions.
- 15.48.180** District schedule of use.
- 15.48.190** Land or fees—  
Preference of developer.
- 15.48.200** Land or fees—  
Determination.
- 15.48.210** Dedication.
- 15.48.220** Fee payment.
- 15.48.230** Amount required.
- 15.48.240** Use of land and fees
- 15.48.250** Accounting and report  
by school district.
- 15.48.360** Termination of  
requirements.
- 15.48.270** School capacity  
determination.

##### Article I. General Provisions

- 15.48.010** Title and purpose.

The ordinance codified in this chapter shall be known as the "school facilities dedication ordinance." The purpose of this chapter is to provide a method for financing interim school facilities necessitated by new residential development.

15.60.200

sances, cause fraud on or victimization of the public, or conflict with existing local laws or ordinances.

E. Variances may be issued for new construction and substantial improvements and for other development necessary for the conduct of a functionally dependent we provided that the provisions of Section 15.60.190(C) are satisfied and that the structure or other development is protected by methods that minimize flood damages during the base flood and create no additional threats to public safety.

F. Any applicant to whom a variance is granted shall be given written notice that the structure will be permitted to be built with a lowest flood elevation below the regulatory flood elevation and that the cost of flood insurance will be commensurate with the increased risk resulting from the reduced lowest flood elevation. A copy of the notice shall be recorded by the floodplain board in the office of the San Joaquin County recorder and shall be recorded in a manner so that it appears in the chain of title of the affected parcel of land. (Ord. 1426 (part), 1988)

#### Chapter 15.64

### DEVELOPMENT IMPACT MITIGATION FEES

#### Sections:

- 15.64.010 Findings and purpose.
- 15.64.020 Definitions.
- 15.64.030 Development impact funds.
- 15.64.040 Payment of fees.

- 15.64.050 Adoption of study, capital improvement program and fees.
- 15.64.060 Calculation of fees.
- 15.64.070 Residential acre equivalent factor.
- 15.64.080 Credit and reimbursement for construction of facilities.
- 15.64.090 Other authority.
- 15.64.100 Findings regarding use of fees.
- 15.64.110 Fee exemptions.
- 15.64.120 Fee adjustment or waiver.
- 15.64.130 Appeal procedure.
- 15.64.140 Severability.

#### 15.64.010 Findings and purpose.

The council finds and declares as follows:

A. In order to implement the goals of the City of Lodi's general plan and to mitigate the impacts caused by new development in the city, certain public improvements must be or had to be constructed. The city council determines that development impact mitigation fees are needed to finance these public improvements and to pay for new developments' fair share of the construction costs of these improvements. In establishing the fees described in this chapter, the city council finds the fees to be consistent with its general plan and, pursuant to Government Code Section 65913.2, has considered the effects of the fees with respect to the city's housing needs as established in the housing element of the general plan.

B. The purpose of this chapter is to implement the general plan requirements set forth in this subsection and subsection A of

this section and to impose mitigation fees to fund the cost of certain facilities and services, the demand for which is directly or indirectly generated by the type of new development proposed in the general plan, under the authority of:

1. The police power of the city granted under Article XI, Section 7, of the California Constitution;

2. The provisions of the California Environmental Quality Act, Public Resources Code, Section 21000 et seq., which in general requires that all developments mitigate environmental impacts;

3. The provisions of the California Government Code regarding general plans at Section 65300 et seq. including but not limited to the provisions of Government Code Section 65400.

C. It is further the purpose of this chapter to require that adequate provisions are made for developer-financed facilities and services within the city limits as a condition in the approval of a new development.

D. Development impact mitigation fees are established on development in the city. Development impact mitigation fees shall consist of separate fees as described in Section 15.64.030 of this chapter. The city council shall, by resolution, set forth the specific amount of the fees; describe the benefit and impact area on which the fee is imposed; refer to the specific improvements to be financed, their estimated cost and reasonable relationship between this fee and the various types of new development; and set forth time for payment. Adoption of such fee resolutions shall be done in compliance with Government Code sections 66016 et seq.

E. The specific improvements to be financed by the fee are described in the City

of Lodi Development Impact Fee Study prepared for the city by Nolte and Associates and Angus McDonald & Associates, dated August, 1991, a copy of which is on file with the city clerk. The calculation of the fee is based upon the findings in the referenced study.

F. New development will generate new demand for facilities which must be accommodated by construction of new or expanded facilities. The amount of demand generated and, therefore, the benefit gained, varies according to kind of use. Therefore, a "residential acre equivalent" (RAE) factor was developed to convert the service demand for general plan based land use categories into a ratio of the particular use's rate to the rate associated with a low-density, single-family dwelling gross acre. The council finds that the fee per unit of development is directly proportional to the RAE associated with each particular use.

G. The city has previously approved various development projects which have made significant financial expenditures towards completion, including the payment of the then current development impact mitigation fees; but have not obtained a building permit. The city council finds and declares that such projects should be allowed to proceed without the imposition of new development impact mitigation fees imposed under this chapter. (Ord. 1547 § 1, 1992; 1526 § 1, 1991; Ord. 1518 § 1 (part), 1991)

#### 15.64.020 Definitions.

A. "Acreage" means the gross acreage for fee calculation purposes of any property within the city general plan area not including the acreage of dedicated street right-of-way existing prior to development, except

that the area of new dedicated street right-of-way in excess of thirty-four feet on one side of a street shall not be included in gross acreage.

B. "Building permit" means the permit issued or required for the construction, improvement or remodeling of any structure pursuant to and as defined by the city building code.

C. "Costs" means amounts spent, or authorized to be spent, in connection with the planning, financing, acquisition and development of a facility or service including, without limitation, the costs of land, construction, engineering, administration, and consulting fees.

D. "Development" or "project" means any of the following:

1. For water, sewer and storm drainage impact fees; any new connection to the city system or increase in service demand;

2. For streets impact fees; any project that increases traffic;

3. For police, fire, parks and recreation and general facilities impact fees; any project generating new or increased service demand.

E. "Facilities" means those public facilities designated in the City of Lodi Development Impact Fee Study and as subsequently designated by the city council.

F. "Land use" means the planned use as shown on the general plan land use map defined by the following categories based on the designations in the city general plan:

1. Low-density Residential. Single-family detached and attached homes, secondary residential units, and similar uses not exceeding seven units per gross acre;

2. Medium-density Residential. Single-family and multi-family residential units and

similar uses between 7.1 and twenty units per gross acre;

3. High-density residential. Multi-family residential units, group quarters, and similar uses between 20.1 and thirty units per gross acre;

4. East Side Residential. This designation reflects the city council's adoption of Ordinance No. 1409. This designation provides for single-family detached and attached homes, secondary residential units, and similar uses not exceeding seven units per gross acre;

5. Planned Residential. Single-family detached and attached homes, secondary residential units, multi-family residential units, and similar uses and is applied to largely undeveloped areas in the unincorporated area of the general plan. All development under this designation shall be approved pursuant to a specific development plan. As specific development plans are approved, the planned residential designation shall be replaced with a low, medium, or high density residential designation, or a public/quasi-public designation based on its approved use and density;

6. Commercial-Retail. Retail uses, restaurants, wholesale commercial uses, hotel and motel uses and service uses, public and quasi-public uses, and similar uses with a floor/area ratio not exceeding 0.40;

7. Commercial-Office. Professional and administrative offices, medical and dental clinics, laboratories, financial institutions, and similar uses with a floor/area ratio not exceeding 5.0

8. Light Industrial. Industrial parks, warehouses, distribution centers, light manufacturing, and similar uses with a floor/area ratio not exceeding 0.50

9. **Heavy Industrial.** Manufacturing, processing, assembling, research, wholesale and storage uses, trucking terminals, railroad facilities, and similar uses with a **floor/area ratio** not **exceeding** 0.50:

10. **Public/Quasi-Public.** Government-owned **facilities**, public and private schools, and quasi-public uses such as hospitals and churches with a **floor/area ratio** not exceeding 0.50. The appropriate residential acre equivalent factor for these uses shall be determined on a case-by-case basis by the public works director.

G. "Program fee per residential acre equivalent" means the total program costs, for a particular category of facility divided by the total number of residential acre equivalents and adjusted for price changes up to the year of construction and for the cost of financing, as identified in the City of Lodi Development Impact Fee Study or subsequent update for that particular category.

H. "Residential acre equivalent factor" (RAE) is a conversion factor used to reflect the service demand for each land use, with respect to the same characteristics for a low-density, single-family detached dwelling unit zoned in a residential zoning category ("R-LD" low-density) based on the city general plan. (Ord. 1547 § 2, 1992; Ord. 1518 § 1 (part), 1991)

#### 15.64.030 Development impact funds.

A. The city finance director shall create in the city treasury the following special interest-bearing trust funds into which all amounts collected under this chapter shall be deposited:

1. Water facilities;
2. Sewer facilities;

- a. General sewer facilities.
- b. **Kettleman Lane lift station.**
- c. **Harney Lane lift station.**
- d. **Cluff Avenue lift station.**
3. **Storm** drainage facilities;
4. **Shut** improvements;
5. Police facilities;
6. Fire facilities;
7. **Parks and recreation facilities;**
8. General city facilities and program administration.

B. The fees shall be expended solely to pay the costs of facilities (including interest on interfund loan) or to reimburse development entitled to reimbursement under this chapter. The funds for the categories listed above shall be kept separate. For purposes of this chapter, they are referred to in aggregate as the "development impact fee fund."

C. The city manager shall have the authority to make loan among the development impact fee funds to assure adequate cash flow. Interest charged on each loan shall be the same as the rate earned on other city funds. (Ord. 1518 § 1 (part), 1991)

#### 15.64.040 Payment of fees.

A. The property owner of any development project causing impacts in public facilities shall pay the appropriate development mitigation fee as provided in this chapter. The amount shall be calculated in accordance with this chapter and the program fee per residential acre equivalent as established by council resolution.

B. When such payment is required by this chapter, no final subdivision map, building permit or grading permit shall be approved for property within the city unless the development impact mitigation fees for





#### 15.64.040

that property are paid or guaranteed as provided in this chapter.

C. The fees shall be paid before the approval of a final subdivision map, building permit or grading permit, whichever occurs first except as provided in subsection E of this section

D. If a final subdivision map has been issued before the effective date of the ordinance codified in this chapter, then the fees shall be paid before the issuance of a building permit or grading permit, whichever comes first except as exempted under Section 15.64.110 of this chapter.

E. Where the development project includes the installation of public improvements, the payment of fee for Police, Fire, Parks and Recreation and general city facilities and program administration may be deferred and shall be collected prior to acceptance of the public improvements by the city council. Payment of all deferred fees shall be guaranteed by the owner prior to deferral. Such guarantee shall consist of a surety bond, instrument of credit, cash or other guarantee approved by the city attorney. (Ord. 1526 § 2, 1991; Ord. 1518 § 1 (part), 1991)

#### 15.64.050 Adoption of study, capital improvement program and fees.

A. The city council adopts the City of Lodi Development Fee Study dated August, 1991 and establishes a future capital improvement program consisting of projects shown in said study. The city council shall review that study annually, or more often if it deems it appropriate, and may amend it by resolution at its discretion

B. The city council shall include in the city's annual capital improvement program

appropriations from the development impact fee funds for appropriate projects.

C. Except for facilities approved by the public works director for construction by a property owner under Section 15.64.080 or as shown in the annual capital improvement program, all facilities shall be constructed in accordance with the schedule established in the development impact fee study.

D. The program fee per residential area equivalent (RAE) shall be adopted by resolution and shall be updated annually, or more frequently if directed by the city council, by resolution after a noticed public hearing. The annual update shall be based on a report by the public works director including the estimated cost of the public improvements, the continued need for those improvements, and the reasonable relationship between such need and the impacts of the various types of development pending or anticipated and for which this fee is charged. In the absence of substantial changes in the projects or unit prices, the change in project cost shall be estimated by the change in the Engineering News Record 20 Cities Construction Cost Index. (Ord. 1518 § 1 (part), 1991)

#### 15.64.060 Calculation of fees.

A. The development impact mitigation fees required under Section 15.64.040 are calculated as follows:

$$F = P \times RAE$$

$$T = A \times F$$

where:

A = acreage, computed to the nearest 0.01 acre;

F = fee per acre per land use category per the definitions in this chapter, rounded to the nearest ten dollars;

P = program fee per residential acre equivalent as established by resolution; and

RAE = the residential acre equivalent (RAE) factor for the appropriate land use category (see Section 15.64.070);

T = the total mitigation fee for each category of public facility.

B. The calculated fees are subject to adjustment per Section 15.64.120 of this code. (Ord. 1518 § 1 (pan), 1991)

#### 15.64.070 Residential acre equivalent factor.

A. The residential acre equivalent factor is based on the development impact fee study.

B. The residential acre equivalent (RAE) factors are as set out in the following table.

Land Use Categories	Water RAE	Sewer RAE	Storm Drainage RAE	Streets RAE	Police RAE	Fire RAE	Parks & Recreation RAE	General Facilities RAE
<b>RESIDENTIAL</b>								
Low Density	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00
Medium Density	1.96	1.96	1.00	1.96	1.77	1.96	1.43	1A3
High Density	3.49	3.49	1.00	3.05	4.72	4.32	2.80	2.80
East Side Residential	1.00	1.00	1.00	1.00	1.09	1.10	1.10	1.10
<b>PLANNED RESIDENTIAL</b>								
Low Density	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00
Medium Density	1.96	1.96	1.00	1.96	1.77	1.96	1.43	1.43
High Density	3.49	3.49	1.00	3.05	4.72	4.32	2.80	2.80
<b>COMMERCIAL</b>								
Retail Commercial	0.64	0.94	1.33		4.12	2.69	0.32	0.89
Office Commercial	0.64	0.94	1.33	3.27	3.72	2.46	0.54	1.53
<b>INDUSTRIAL</b>								

15.64.070

Land Use Categories	Water RAE	Sewer RAE	Storm Drainage RAE	Streets RAE	Police RAE	Fire RAE	Parks & Recreation RAE	General Facilities RAE
<b>INDUSTRIAL</b>								
Light Industrial	026	0.42	133	2.00	0.30	0.64	0.23	0.64
Heavy Industrial	016	0.42	133	<del>in</del>	0.19	0.61	0.33	0.98

(Ord. 1547 § 3, 1992; Ord. 1518 § 1 (pan), 1991)

15.64.080 Credit and reimbursement for construction of facilities.

A. Construction of Facilities in Program Year.

1. The public works director may direct or authorize the owner to construct certain facilities specified in the development impact fee study, or portions thereof, at the time and as designated in the study, in lieu of all, or a portion of, the fee required by this chapter. The owner is entitled to a credit if the owner: (1) constructs the improvements, (2) finances an improvement by cash or other means approved by the council, or (3) a combination of the above. The credit to be provided to the property owner shall be determined by the public works director based on prevailing construction cost plus ten percent for engineering and administration and shall be approved by the council. The construction of a facility authorized by this section must consist of a usable facility or segment and be approved by the city and constructed in accordance with the city's public improvement design standards. The property owner must post a bond or other security in a form acceptable to the director for the complete performance of the construction before credit is given.

2. If the amount of credit is less than the amount of the otherwise applicable fee, the property owner shall pay the amount which, when added to the credit received for the construction of facilities, equals the fee obligation.

3. If the amount of credit is greater than the amount of the otherwise applicable mitigation fee, the property owner shall be paid the difference only from the appropriate development impact fee fund, after the project is accepted by the city, and at the end of the year in which the project is planned to be completed under this study.

B. Construction of Facilities Prior to Program Year.

1. If the construction described in subsection A of this section occurs before the fiscal year for which construction is scheduled under the study, the property owner shall receive no immediate credit against the applicable fee. The property owner shall be reimbursed from the appropriate development impact fee fund at the end of the year

in which the project is planned under the study program year. The reimbursable amount shall be the estimated cost of the facility as determined in subsection A.1 of this section. With specific approval of the council, reimbursement may occur after the year in which the project is planned, if in the opinion of the public works director, the delay is necessary to assure the orderly implementation of the city capital improvement program.

2. To implement subsection B.1 of this section, the property owner and the city shall first enter into a reimbursement agreement. In addition to its other terms, the agreement shall provide that:

a. The general fund of the city is not liable for payment of any obligations arising from the agreement;

b. The credit or taxing power of the city is not pledged for the payment of any obligations arising from the agreement;

c. The land owner shall not compel the exercise of the city taxing power or the forfeiture of any of its property to satisfy any obligations arising from the agreement;

d. The obligation arising from the agreement is not a debt of the city, nor a legal or equitable pledge, charge, lien or encumbrance, upon any of its property, or upon any of its income, receipts or revenue and is payable only from the fees deposited in the appropriate city development impact fee fund;

e. The reimbursable amount shall be increased annually to include an amount attributable to interest. This amount shall be based on the change in the Engineering News Record 20 Cities Construction Cost Index from the January 1st index of the year of construction to the January 1st index

of the year of reimbursement. (Ord. 1518 § 1 (part), 1991)

#### 15.64.090 Other authority.

This chapter is intended to establish a supplemental method for funding the cost of certain facilities and services, the demand for which will be generated by the level and type of development proposed in the city general plan. The provisions of this chapter shall not be construed to limit the power of the city council to impose any other fees or exactions or to continue to impose existing ones on development within the city, but shall be in addition to any other requirements which the city council is authorized to impose, or has previously imposed, as a condition of approving a plan, rezoning or other entitlement within the city. In particular, individual property owners shall remain obligated to fund, construct, and/or dedicate the improvements, public facilities and other exactions required by, but not limited to, the city code, public improvement design standards and other applicable documents. Any credits or reimbursements under Section 15.64.080 shall not include the funding, construction, or dedication described in this section. (Ord. 1518 § 1 (part), 1991)

#### 15.64.100 Findings regarding use of fees.

A. As required under Government Code Section 66001(d), the city shall make findings once each fiscal year with respect to any portion of the fee remaining unexpended or uncommitted in its account five or more years after deposit of the fee, to identify the purpose to which the fee is to be put and demonstrate a reasonable relationship between the fee and the purpose for which it was charged.

B. As required under Government Code Section 66001(e), the city shall refund to the current record owner on a prorated basis the unexpended or uncommitted portion of the fee, and any interest accrued thereon, for which need cannot be established. (Ord. 1518 §1 (part), 1991)

15.64.110 Fee exemptions.

The following developments are exempt from payment of fees described in this chapter:

- A. City projects;
- B. Projects constructed or financed under this chapter;
- C. Reconstruction of, or residential additions to single-family dwellings, but not including additional dwelling units;
- D. Property which has paid a master storm drain fee pursuant to Resolution 3618 or Ordinance No. 1440 is exempt from payment of the storm drainage impact fee except for changes inland use as described in the fee resolution

E. Additional exemption for development projects in progress:

1. A project on a parcel (or portion of a parcel) which has, on the effective date of the ordinance codified in this section, received the appropriate development approval, but has not obtained a building permit and has paid appropriate mitigation fees under Resolution 3618 or Ordinance 1440, shall be exempt from imposition of the development impact mitigation fees imposed under this chapter except the sewer lift station area fees.

2. For purposes of this subsection "appropriate development approval" shall include:

- a. An approved or conditionally approved tentative map;

b. An approved final subdivision or parcel map;

c. An approved use permit when no map was required;

d. An approved public improvement agreement.

3. The exemption under this subsection shall not apply to changes in land use, pursuant to subsection D of this section for storm drainage impact fees.

4. The exemption under this subsection shall apply on projects which include a change inland use to a more intensive use as defined in this chapter only to the extent that the previously approved land use shall be considered an existing use and the project shall be charged the appropriate incremental increase as provided in this chapter and the fee resolution. (Ord. 1526 § 3, 1991; Ord. 1518 § 1 (part), 1991)

15.64.120 Fee adjustment or waiver.

A. The owner of a project subject to a fee under this chapter may apply to the public works director for an adjustment or waiver of that fee. The waiver of this fee shall be based on the absence of any reasonable relationship between the impact on public facilities of that development and either the amount of fee charged or the type of facilities to be financed.

B. The application for adjustment or waiver shall be made in writing and filed with the city clerk no later than ten days after formal notification of the fee to be charged. The application shall state in detail the factual basis and legal theory for the claim of adjustment or waiver.

C. It is the intent of this chapter that:

- 1. The land use categories are based on general plan designations which are an average of a wide range of specific land

uses; thus substantial variation must be shown in order to **justify a fee adjustment**;

2. The public works director may calculate a fee and/or require additional improvements where the service demand of a particular land use exceeds the standards shown in the definitions or used in determining the improvements needed under the ~~fa~~ program;

3. The **fee categories** shall be added individually; thus it may occur that a fee adjustment or waiver is made in one category and not another, and

4. Where improvements providing capacity for the subject parcel have already been constructed, a downward adjustment of the fee is not appropriate.

D. The public works director shall consider the application at an informal hearing held within sixty days after the filing of the fee adjustment or waiver application. The decision of the public works director is appealable pursuant to Section 15.64.130.

E. The applicant bears the burden of proof in presenting substantial evidence to support the application. The public works director shall consider the following factors in its determination whether or not to approve a fee adjustment or waiver:

1. The factors identified in Section 66001:

a. The purpose and proposed uses of the fee.

b. The type of development.

c. The relationship between the fee's use and type of development,

d. The need for improvements and the type of development, and

e. The amount of the fee and the portion of it attributable to the development; and

2. The substance and nature of the evidence including the development impact fee study and the applicant's technical data supporting its request. The applicant must present comparable technical information to show that the fee is inappropriate for the particular development. (Ord. 1518 5 1 (part), 1991)

#### 15.64.130 Appeal procedure.

A. The public works director is responsible for administering, collecting, crediting, adjusting, and refunding development fees. A decision by the public works director regarding a fee imposed under this chapter is appealable in accordance with this section. A person seeking judicial review shall first seek an appeal under this section.

B. A person appealing a decision under this chapter shall file a request with the public works director who is responsible for processing the appeal. The appeal shall be in writing, stating the factual and legal grounds, and shall be filed within ten calendar days following the decision of the public works director being appealed.

C. The public works director shall notify the city manager of the appeal. The city manager shall set the matter for hearing before the city council and notify the person appealing in writing of the time and place.

D. The city council shall conduct the hearing, prepare written findings of fact and a written decision on the matter, and shall preserve the complete administrative record

of the proceeding. The council shall consider all relevant evidence presented by the appellant, the public works director or other interested party.

E. The decision of the city council is final; it is reviewable by a court under Code of Civil Procedure Section 1094.5.

F. The city adopts the Code of Civil Procedure, Section 1094.5, for the purposes of judicial review under this section. A petition seeking review of a decision under this chapter shall be filed not later than the ninetieth day following the date on which the decision of the hearing officer becomes final. (Ord. 1518 5 1 (part), 1991)

#### 15.64.140 Severability.

If any provision or clause of the ordinance codified in this chapter or the application thereof to any person or circumstances is held to be unconstitutional or to be otherwise invalid by any court of competent jurisdiction, such invalidity shall not affect other ordinance provisions or clauses or applications thereof which can be implemented without the invalid provision or clause or application, and to this end the provisions and clauses of the ordinance codified in this chapter are declared to be severable. (Ord. 1518 5 1 (part), 1991)



STATE OF CALIFORNIA  
FINANCE DEPARTMENT  
**CITY OF LODI**

City Hall / 221 West Pine Street / P.O. Box 3006 / Lodi, CA 95241-1910  
Telephone (209) 334-5634

**CITY OF LODI**  
Please detach and  
return this stub  
with your payment.  
Richard  
Galantine

Mr. Richard Galantine  


1

6120195

6/20/95

DATE

DATE

E-1309

E-1309

INVOICE NO.

INVOICE YO.

Make your check payable to CITY OF LODI

Fees for development at 901 S. Cherokee Lane

Charges for Development Impact Mitigation Fees,  
per attached Summary Sheet.

AMOUN

AMOUN

\$19,782

30

\$19,782

30

GALANTIN.DOC

175 (Rev 4-92)

Reminder — Did you include your stub?



# CITY OF LODI

PUBLIC WORKS DEPARTMENT

## Development Impact Mitigation Fee Summary Sheet

Subdivision: n/a

n/a

n/a

Name

Tract #

File #

Parcel: 901 S. Cherokee Lane, Lodi. CA 95240

Address

n/a

Const. Appl. #

047-390-002

AP #

Developer/Owner: Richard Gallantine (Riverbend Motors)

Name

Project Description: Used car lot on undeveloped southerly portion of parcel

Fee Category	Account #	P	RAE	Adj.	F	A	T
2) Sewer Facilities - General	17.3-661	\$ 1,060.00	0.94		\$ 1,000.00	0.47	\$ 470.00
- Lift Station							
3) Storm Drainage Facilities	32.6-661	\$ 7,630.00	1.33		\$ 10,150.00	0.47	\$ 4,770.50
4) Street Improvements - Local	32.7-661	\$ 5,440.00	2.08		\$ 11,320.00	0.47	\$ 3,085.83
Street Improvements - Regional	33.2-661						\$ 2,234.57
5) Police Protection Facilities	121.5-661	\$ 1,130.00	4.12		\$ 4,660.00	0.47	\$ 2,190.20
6) Fire Protection Facilities	121.6-661	\$ 540.00	2.69		\$ 1,450.00	0.47	\$ 681.50
7) Parks & Recreation Facilities	121.7-661	\$ 11,830.00	0.32		\$ 3,790.00	0.47	\$ 1,781.30
8) General City Fac. & Prog. Admin.	121.8-661	\$ 6,830.00	0.89		\$ 6,080.00	0.47	\$ 2,857.60

**Total 1-8: \$19,782.30**  
due prior to project approval

P = Program Fee per Residential Acre Equivalent (RAE) per Resolution 91-172.

RAE = Residential Acre Equivalent per LMC \$15.64.070, unless adjusted.

Adj. = Checked if RAE is adjusted, see Notes below.

F = Fee per acre (rounded to nearest \$10.00) = P x RAE.

A = Gross acreage per LMC \$15.64.020A & 15.64.060 (rounded to nearest 0.01 acre).

T = Total Fee for service category = A x F.

### Notes:

- The acreage has been adjusted to allow credit for the existing residential development and previously existing shop and laundry buildings which have been demolished.

By: Shawn A. White

Approved: Richard Gallantine

Record #: \_\_\_\_\_

Date Billed: 6/20/95

Date Paid: \_\_\_\_\_ (Fee category 1 thru 8)



Type or print clearly.

Phone: (       ) \_\_\_\_\_ or (       ) \_\_\_\_\_

Which category number(s) below best describes your business?

Give a brief description of how your proposed business may differ from the typical business in the category(s) indicated.

\*If seating capacity is unknown submit the area (in square feet) of the seating area (restaurants) or hall/pew area

Continued on side two.

Commercial Business Questionnaire  
Side 2

1. Total number of employees:

Existing employees (expansions only) \_\_\_\_\_ Initial employees (or after expansion) \_\_\_\_\_

Ultimate employees \_\_\_\_\_ (by approximately month \_\_\_\_\_, 19 \_\_\_\_\_)

2. For categories which list units of measure other than employees (i.e. seating capacity, beds, etc.)

List the initial and ultimate numbers for the units of measure. Unit of measure (from side one): \_\_\_\_\_

Existing (expansions only) \_\_\_\_\_ Initial (or after expansion) \_\_\_\_\_

Ultimate \_\_\_\_\_ (by approximately month \_\_\_\_\_, 19 \_\_\_\_\_)

Other Information:

3. Will there be or is there handling of chemicals or toxic substances? (not incl. packaged items to be sold)

Yes \_\_\_\_\_ No \_\_\_\_\_ If yes, please list. (attach MSDS sheets if available)

\_\_\_\_\_

4. Any special water needs or circumstances? (i.e. temperature, booster pump, minimum water pressure, etc.)

Yes \_\_\_\_\_ No \_\_\_\_\_ if yes, explain \_\_\_\_\_

5. Any special wastewater (sewer) discharge needs or circumstances? (i.e. batch dumping, organics, grease)

Yes \_\_\_\_\_ No \_\_\_\_\_ if yes, explain \_\_\_\_\_

6. Any special storm drain needs or circumstances? (i.e. washdowns, potential spills)

Yes \_\_\_\_\_ No \_\_\_\_\_ if yes, explain \_\_\_\_\_

**I attest that the information given is correct to the best of my knowledge.**

Signed: \_\_\_\_\_ Date \_\_\_\_\_

Type or print name and title: \_\_\_\_\_

Return to: Lodi City Hall, Building Inspection  
221 West Pine Street, Lodi, CA 95240

For questions call:  
Water/Wastewater Office (209) 333-6740

## EXHIBIT C

CITY COUNCIL

STEPHEN J. MANN, Mayor  
DAVID P. WARNER  
Mayor Pro Tempore  
RAY C. DAVENPORT  
PHILLIP A. PENNINO  
JACK A. SIECLOCK

# CITY OF LODI

CITY HALL, 221 WEST PINE STREET  
P.O. BOX 3006  
LODI, CALIFORNIA 95241-1910  
FAX (209) 333-6842

THOMAS A. PETERSON  
City Manager

JENNIFER M. PERRIN  
City Clerk

BOB McNATT  
City Attorney

May 12, 1995

RiverbendMotors  
Attn: Richard Galantine  
821 S. Cherokee Lane  
Lodi, CA 95240

SUBJECT: 901 S. Cherokee Lane

As we discussed on the phone, we have reviewed the asphalt concrete that was placed in the Cherokee Lane right-of-way today and have several concerns.

Before we can issue an encroachment permit and allow the new asphalt to remain, we need a written response explaining what you will do to keep vehicles from parking in the area between the future curb and the right-of-way and what your plans are for protecting the pedestrians walking along Cherokee Lane, how you plan on controlling access to the site, and how the drainage both on-site and off-site will be directed into the storm drain system. There is a speed limit sign and a utility pole in the new asphalt that must also be protected from vehicles. This protection should also be included in your discussion. We will review your plan and respond with our comments.

You have also done some grading and compaction work in Vine Street. No additional work may be done in this street right-of-way without an encroachment permit. Again, before the City will issue an encroachment permit for other work in Vine Street, we must see and approve a plan showing your proposed grading, paving and traffic control.

Should you have any questions, my phone number is 333-6706.



Wes Fujitani  
Senior Civil Engineer

Wf

cc. Street Superintendent  
Associate Civil Engineer - Development Services ✓  
P.W. Inspector McVicker

EXHIBIT D

RECEIVED

JUN 30 1995

NOTICE OF APPEAL



Pursuant to Section 15.64.130 of the Lodi Municipal Code, Richard Galantine hereby appeals the decision of the Public Works Director assessing development impact mitigation fees regarding the property located at 901 South Cherokee Lane.

The basis of the appeal includes, but is not limited to:

1. Representations made to Mr. Galantine by City staff concerning the applicability of the development impact mitigation fee and the cost thereof.

2. The applicability of the development impact mitigation fee to the works performed by Mr. Galantine.

3. The fees are being imposed for matters not reasonably related to the work done by Mr. Galantine.

4. The works performed by Mr. Galantine do **not** constitute a "development".

5. The mitigation fees sought are not directly or indirectly related to the work done by Mr. Galantine.


6. The work done by Mr. Galantine will not generate new demand for facilities.

7. The amount of the fees is arbitrary, unreasonable and capricious.

DATED; June 30, 1995.

MULLEN, SULLIVAN & NEWTON

By

  
STEPHEN C. SNIDER  
Attorneys for  
Richard Galantine

## EXHIBIT E

### CITY COUNCIL

STEPHEN J. MANN, Mayor  
DAVID P. WARNER  
Mayor Pro Tempore  
RAY G. OAVENPORT  
PHILLIP A. PENNINO  
JACK A. SIEGLOCK

## CITY OF LODI

CITY HALL, 221 WEST PINE STREET  
P.O. BOX 3008  
LODI, CALIFORNIA 95241-1910  
(209) 333-6708  
FAX (209) 333-6842

THOMAS A. PETERSON  
City Manager

JENNIFER hi. PERRIN  
City Clerk

City Attorney

July 27, 1995

Stephen C. Snider  
Mullen, Snider & Newton  
1111 W. Tokay Street  
Lodi, California 95242

SUBJECT: Estimated Cost of Improvements  
901 S. Cherokee Lane

In accordance with our discussion on July 20, 1995, we have prepared an estimate of the cost for design and installation of street improvements on Cherokee Lane required under Item 6 in our letter dated June 20, 1995. The improvements include curb, gutter, sidewalk, street paving, landscaping and irrigation. Our rough estimate for the cost of this work is \$21,000.00.

As we discussed, since the parcel is located in the assessment district currently under development for the Cherokee Lane Improvements portion of the Central City Revitalization Program, it may be possible to add the cost of the street improvements to the assessment for the parcel. This would provide some financial relief in the form of reasonable interest rates and term of repayment.

Listed below are the approximate costs for the parcel under the Central City Revitalization Program assessment district, including the cost of the street improvements mentioned above. The annualized debt costs assume an interest rate of 7 percent and a repayment term of 15 years as shown in the Central City Revitalization Program Conceptual Development Phase documents. The costs for the parcel are based on a lineal frontage of 178.89 feet on Cherokee Lane and a parcel area of 41,950 square feet.

Mullen, Snider & Newton  
July 27, 1995  
Page 2

**Assessment District Improvements**

Cash Payment	\$13,880.00
Annual Payment, if no cash payment	\$ 1,900.00

**Street Improvements**

Cash Payment	\$21,000.00
Annual Payment, if no cash payment	\$ 2,650.00

If you have any questions, please contact me at (209) 333-6706.



**Richard C. Prima, Jr.**  
City Engineer

RCP/SAW

cc: ~~City Attorney~~  
Associate Civil Engineer ✓



EXHIBIT F

CITY HALL  
221 WEST PINE STREET  
P.O. BOX 3006  
LODI, CALIFORNIA 95241-1910  
(209) 333-6701  
(209) 333-6807 FAX

CITY OF LODI  
CITY ATTORNEY'S OFFICE

John M. Luebberke  
Deputy City Attorney



RECEIVED

OCT 04 1995



October 3, 1995

Mr. Steve Snider  
Mullen, Sullivan & Newton  
1111 W. Tokay Street  
Lodi, California 95242

Re: Richard Galantine

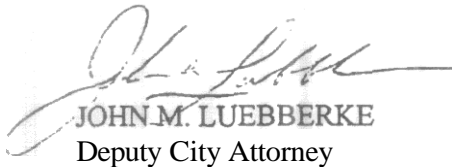
Dear Mr. Snider:

Enclosed please find a revised Development Impact Mitigation Fee *Summary* Sheet for Mr. Galantine's project.

Please note that the impact fees have been reduced by approximately \$10,000.00 under the original estimate. **This** change is based on the Commercial Water/Wastewater Questionnaire submitted by Mr. Galantine on or about September 24, 1995.

If you have any **questions** or **concerns** please contact **me** directly.

Sincerely,

  
JOHN M. LUEBBERKE  
Deputy City Attorney

JML/pn

cc: Sharon Welch  
Rich Prima



# CITY OF LODI

PUBLIC WORKS DEPARTMENT

## Development Impact Mitigation Fee Development Impact Mitigation Fee Summary Sheet Summary Sheet

Subdivision: n/a

n/a

n/a

Name

Tract #

File #

Parcel: 901 S. Cherokee Lane, Lodi, CA 95240

Address

n/a

Const. Appl. #

Fee Category	Account #	P	RAE	Adj.	F	A	T
1) Water Facilities	18.2-661	\$ 5,690.00	0.12	x(1)	\$ 680.00	0.47 *	\$ 319.60
2) Sewer Facilities - General - Lift Station	17.3-661	\$ 1,060.00	0.27	x(1)	\$ 290.00	0.47 *	\$ 136.30
3) Storm Drainage Facilities	32.6-661	\$ 7,630.00	1.33		\$ 10,150.00	0.47 *	\$ 4,770.50
4) Street Improvements - Local Street Improvements - Regional	32.7-661 33.2-661	\$ 5,440.00	0.39	x(2)	\$ 2,120.00	0.47 *	\$ 577.91 \$ 418.49
5) Police Protection Facilities	121.5-661	\$ 1,130.00	4.12		\$ 4,660.00	0.47 *	\$ 2,190.20
6) Fire Protection Facilities	121.6-661	\$ 540.00	2.69		\$ 1,450.00	0.47 *	\$ 681.50
7) Parks & Recreation Facilities	121.7-661	\$ 11,830.00	0.02	x(3)	\$ 240.00	0.47 *	\$ 112.80
8) General City Fac. & Prog. Admin.	121.8-661	\$ 6,830.00	0.07	x(3)	\$ 480.00	0.47 *	\$ 225.60

P = Program Fee per Residential Acre Equivalent (RAE) per Resolution 91-172.

RAE = Residential Acre Equivalent per LMC \$15.64.070, unless adjusted.

Adj. = Checked if RAE is adjusted, see Notes below.

F = Fee per acre (rounded to nearest \$10.00) = P x RAE.

A = Gross acreage per LMC \$15.64.020A & 15.64.060 (rounded to nearest 0.01 acre).

T = Total Fee for service category = A x F.

Total 1-8: \$9,432.90  
due prior to project approval

The acreage for all categories has been adjusted to allow credit for the existing residential development and previously existing shop and laundry buildings which have been demolished.

### Notes:

1. The water and sewer fees are based on the sewer service units (SSU) or sewer capacity fee assigned to the project. Based on the employee information provided on the Water/Wastewater Questionnaire, the RAE factors were adjusted to reflect the minimum capacity fee of 1 SSU.

2. The RAE factor was adjusted based on information obtained from the ITE "Trip Generation" manual for similar land uses.

3. The RAE factors were adjusted based on information contained in the Water/Wastewater Questionnaire. The fees are based on one (1) full-time employee (the owner).

By: \_\_\_\_\_ Approved: \_\_\_\_\_ Record #: \_\_\_\_\_

Date Billed: \_\_\_\_\_

Date Paid: \_\_\_\_\_ (Fee category 1 thru 8)

3/25/93 301KADJ.XLS



## CITY OF LODI

Carnegie Forum  
305 West Pine Street, Lodi

## NOTICE OF PUBLIC HEARING

Date: March 20, 1996

Time: 7:00 p.m.

For information regarding this notice please contact:

**Jennifer M. Perrin**  
City Clerk  
Telephone: (209) 333-6702

### NOTICE OF PUBLIC HEARING

**NOTICE** IS HEREBY GIVEN that on Wednesday, March 20, 1996, at the hour of 7:00 p.m., or as soon thereafter as the matter may be heard, the City Council will conduct a Public Hearing to consider the following matter:

- a) Appeal received from Mullen, Sullivan & Newton on behalf of Richard Gallantine regarding mitigation fees for the applicability of the dedication and off-site improvement sections of the Lodi Municipal Code.

All interested persons are invited to present their views and comments on this matter. Written statements may be filed with the City Clerk at any time prior to the hearing scheduled herein, and oral statements may be made at said hearing.

If you challenge the subject matter in court, you may be limited to raising only those issues you or someone else raised at the Public Hearing described in this notice or in written correspondence delivered to the City Clerk P.O. Box 3006, at or prior to the Public Hearing.

By Order of the Lodi City Council:

  
Jennifer M. Perrin  
City Clerk

**Dated: February 21, 1996**

\_\_\_\_ n Luebbe  
City Attorney



## **DECLARATION OF MAILING**

### **Public Hearing - Richard Gallantine Appeal**

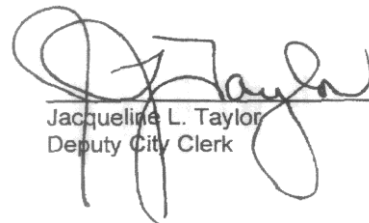
On February 22, 1996 in the City of Lodi, San Joaquin County, California, I deposited in the United States mail, envelopes with first-class postage prepaid thereon, containing a copy of the Notice attached hereto, marked Exhibit "A"; said envelopes were addressed as is more particularly shown on Exhibit "B" attached hereto.

There is a regular daily communication by mail between the City of Lodi, California, and the places to which said envelopes were addressed.

I declare under penalty of perjury that the foregoing is true and correct

Executed on February 22, 1996, at Lodi, California

Jennifer M. Perrin  
City Clerk

A handwritten signature in dark ink, appearing to read "J. Taylor", is written over a horizontal line. Below the line, the name and title are printed.

Jacqueline L. Taylor  
Deputy City Clerk

## ***MAILING LIST***

John M. Luebherke  
Deputy City Attorney

**Sharon** Welch  
Public **Works** Department

Mullen, **Sullivan & Newton**  
P.O. **Box** 560  
Lodi, **CA** 95241-0560



## CITY OF LODI

**Carnegie Forum**  
305 West Pine Street, Lodi

## NOTICE OF PUBLIC HEARING

**Date: April 3, 1996**

**Time: 7:00 p.m.**

For information regarding this notice please contact

**Jennifer M. Perrin**

**City Clerk**

**Telephone: (209) 333-6702**

### NOTICE OF CONTINUED PUBLIC HEARING

**NOTICE IS HEREBY GIVEN** that on Wednesday, **April 3, 1996** at the hour of **7:00 p.m.**, or as soon thereafter as the matter may be heard, the City Council will conduct a Continued Public Hearing at the Carnegie Forum, 305 West Pine Street, Lodi, to consider the following matter:

- a) Appeal received from **Mullen, Sullivan & Newton** on behalf of Richard Gallantine regarding mitigation fees for the applicability of the dedication and off-site improvement sections of the Lodi Municipal Code

All interested persons are invited to present their views and comments on this matter. Written statements may be filed with the City Clerk at any time prior to the hearing scheduled herein, and oral statements may be made at said hearing.

If you challenge the subject matter in court, you may be limited to raising only those issues you or someone else raised at the Public Hearing described in this notice or in written correspondence delivered to the City Clerk, P.O. Box 3006, at or prior to the Public Hearing.

By Order of the Lodi City Council:

  
Jennifer M. Perrin  
City Clerk

Dated: March 20, 1996

Approved as to form



Randall A. Hays  
City Attorney



## DECLARATION OF MAILING

### Continued Public Hearing - Gallantini Appeal

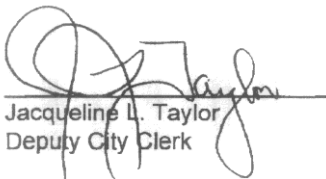
On March **21**, 1996 in the City of Lodi, San Joaquin County, California, I deposited in the United States mail, envelopes with first-class postage prepaid thereon, containing a copy of the Notice attached hereto, marked Exhibit "A"; said envelopes were addressed as **is** more particularly shown on Exhibit "B" attached hereto.

There is **a** regular daily communication by mail between the City of Lodi, California, and the places **to** which said envelopes were addressed.

I declare under penalty of perjury that the foregoing **is** true and correct.

Executed on March **21**, 1996, at Lodi, California.

Jennifer **M.** Perrin  
City Clerk

  
Jacqueline L. Taylor  
Deputy City Clerk

## **MAILING LIST**

John M. Luebberke  
Deputy **City Attorney**

**Sharon** Welch  
Public Works Department

Mullen, **Sullivan &** Newton  
P.O. **Box 560**  
Lodi, CA **95241-0560**



CITY COUNCIL

DAVID P. WARNER, Mayor  
PHILLIP A. PENNINO  
Mayor Pro Tempore  
RAY C. DAVENPORT  
STEPHEN J. MANN  
JACK A. SIECLOCK

# CITY OF LODI

CITY HALL, 221 WEST PINE STREET  
P.O. BOX 3006  
LODI, CALIFORNIA 95241-1910  
(209) 333-6706  
FAX (209) 333-6842

H. DIXON FLYNN  
City Manager  
JENNIFER M. PERRIN  
City Clerk  
RANDALL A. HAYS  
City Attorney

March 13, 1996

Mullen, Sullivan & Newton  
1111 W. Tokay Street  
Lodi, CA 95242

SUBJECT: Public Hearing to Consider Appeal Received from Mullen, Sullivan & Newton on Behalf of Richard Galantine Regarding Mitigation Fees and for the Applicability of the Dedication and Off-Site Improvement Sections of the Lodi Municipal Code

Enclosed is a copy of background information on an item on the City Council agenda of Wednesday, March 20, 1996, at 7 p.m. The meeting will be held in the City Council Chamber, Carnegie Forum, 305 West Pine Street.

The Council will conduct a public hearing on this item. You are welcome to attend and speak at the appropriate time,

If you wish to write to the City Council, please address your letter to City Council, City of Lodi, P. O. Box 3006, Lodi, California, 95241-1910. Be sure to allow time for the mail. Or, you may hand-deliver the letter to the City Clerk at 305 West Pine Street

If you wish to address the Council at the Council meeting, be sure to fill out a speaker's card (available at the Carnegie Forum immediately prior to the start of the meeting) and give it to the City Clerk. If you have any questions about communicating with the Council, please contact Jennifer Perrin, City Clerk, at (209) 333-6702.

If you have any questions about the item itself, please call Sharon Welch at (209) 333-6706.



Jack L. Rons  
Public Works Director

JLR/pmf

Enclosure

cc: City Clerk

NOTICE OF APPEAL


Pursuant to Section **15.44.100** of the Lodi Municipal Code, Richard Galantine hereby appeals the decision of the Public Works Director to subject the property located at 901 South Cherokee Lane to the conditions and requirements of Chapter **15.44** of the Lodi Municipal Code, Off-Site Improvements and Dedications.

The basis of the appeal includes, but is not limited to:

1. Representations made to Mr. Galantine by City staff concerning the applicability of the Off-Site Improvements and Dedications provisions.
2. The works performed by Mr. Galantine do not constitute a "development."
3. The works performed by Mr. Galantine are exempt pursuant to Lodi Municipal Code Section **15.44.040**.
4. The application of Chapter **15.44** represents a taking without just compensation.
5. Mr. Galantine's procedural and substance of due process rights have been violated.
6. The imposition of Chapter **15.44** is arbitrary, unreasonable and capricious.

DATED: July 5, 1995.

MULLEN, SULLIVAN & NEWTON

By   
STEPHEN C. SNIDER  
Attorneys for  
Richard Galantine

REQUEST FOR FEE ADJUSTMENT OR WAIVER

Pursuant to Section 15.64.120 of the Lodi Municipal Code, Richard Galantine hereby requests a fee adjustment or waiver from the Public Works Director concerning the development impact mitigation fees assessed on the property located at 901 South Cherokee Lane. Richard Galantine was notified of said imposition on June 26, 1995.

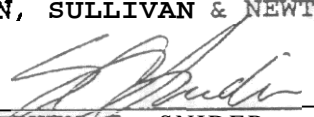
The basis of this request includes, but is not limited to:

1. Representations made to Mr. Galantine by City staff concerning the applicability of the development impact mitigation fee and the cost thereof.
2. The applicability of the development impact mitigation fee to the works performed by Mr. Galantine.
3. The fees are being imposed for matters not reasonably related to the work done by Mr. Galantine.
4. The works performed by Mr. Galantine do not constitute a "development."
5. The mitigation fees sought are not directly or indirectly related to the work done by Mr. Galantine or the affects thereof.
6. The work done by Mr. Galantine will not generate new demand for facilities.
7. The amount of the fees is arbitrary, unreasonable and capricious.

DATED: July 5, 1995.

MULLEN, SULLIVAN & NEWTON

By

  
STEPHEN C. SNIDER  
Attorneys for  
Richard Galantine

THOMAS J. NEWTON  
CRAIG RASMUSSEN  
STEPHEN C. SNIDER  
JAMES V. DEMERA III

MULLEN, SULLIVAN & NEWTON

ATTORNEYS AT LAW  
1111 WEST TOKAY STREET  
P. O. BOX 560  
LODI, CALIFORNIA 95241-0560  
(209) 334-5144  
FAX (209) 333-1034

OF COUNSEL  
ROBERT H. MULLEN  
C. M. "BUD" SULLIVAN

July 31, 1995

Richard C. Prima, Jr.  
City Engineer  
City of Lodi  
P. O. Box 3006  
Lodi, CA. 95241

John Luebberke  
Assistant City Attorney  
City of Lodi  
P. O. Box 3006  
Lodi, CA. 95241

RE: Richard Gallantine  
901 S. Cherokee Lane

Dear Richard and John:

The purpose of this letter is to confirm one aspect of our recent meeting. At that time, it was agreed that we would continue the hearing before the City Council on the issues of the mitigation fees and the applicability of the dedication and off-site improvement sections while we attempt to negotiate some type of resolution of our disagreements.

At such time as we reach an impasse or are unable to agree with regard to these issues, the matter will then be put on the City Council hearing calendar. Hopefully, in the meantime, we can reach a solution.

Please let me know immediately if this misstates our agreement.

Thank you for your consideration.

Very truly yours,

MULLEN, SULLIVAN & NEWTON

by

STEPHEN C. SNIDER

SCS:sw

cc: Richard Gallantine

THOMAS J. NEWTON  
CRAIG RASMUSSEN  
STEPHEN C. SNIDER  
JAMES V. DEMERA III

MULLEN, SULLIVAN & NEWTON

ATTORNEYS AT LAW  
1111 WEST TOKAY STREET  
P. O. BOX 560  
LODI, CALIFORNIA 95241-0560  
(209) 334-5144  
FAX (209) 333-1034

OF COUNSEL  
ROBERT H. MULLEN  
C. M. "BUD" SULLIVAN

February 2, 1996

City Clerk  
City of Lodi  
P. O. Box 3006  
Lodi, CA. 95241

RE: Appeal of Richard Gallantine

Dear Madam Clerk:

On July 31, 1995, my client, Richard Gallantine, agreed to continue any hearing before the City Council on the issue of mitigation fees or the applicability of the dedication and off-site improvement sections of the City Code while we attempted to negotiate some type of resolution of our disagreements.

At this time, it appears we have reached an impasse, and the purpose of this letter is to request that the matter be put on the City Council calendar for public hearing.

I would request that the matter be noticed at the meeting on February 21, 1996, and the public hearing to occur at the meeting on March 20, 1996.

**Please let me know if you have any questions or comments.**

Very truly yours,

MULLEN, SULLIVAN & NEWTON

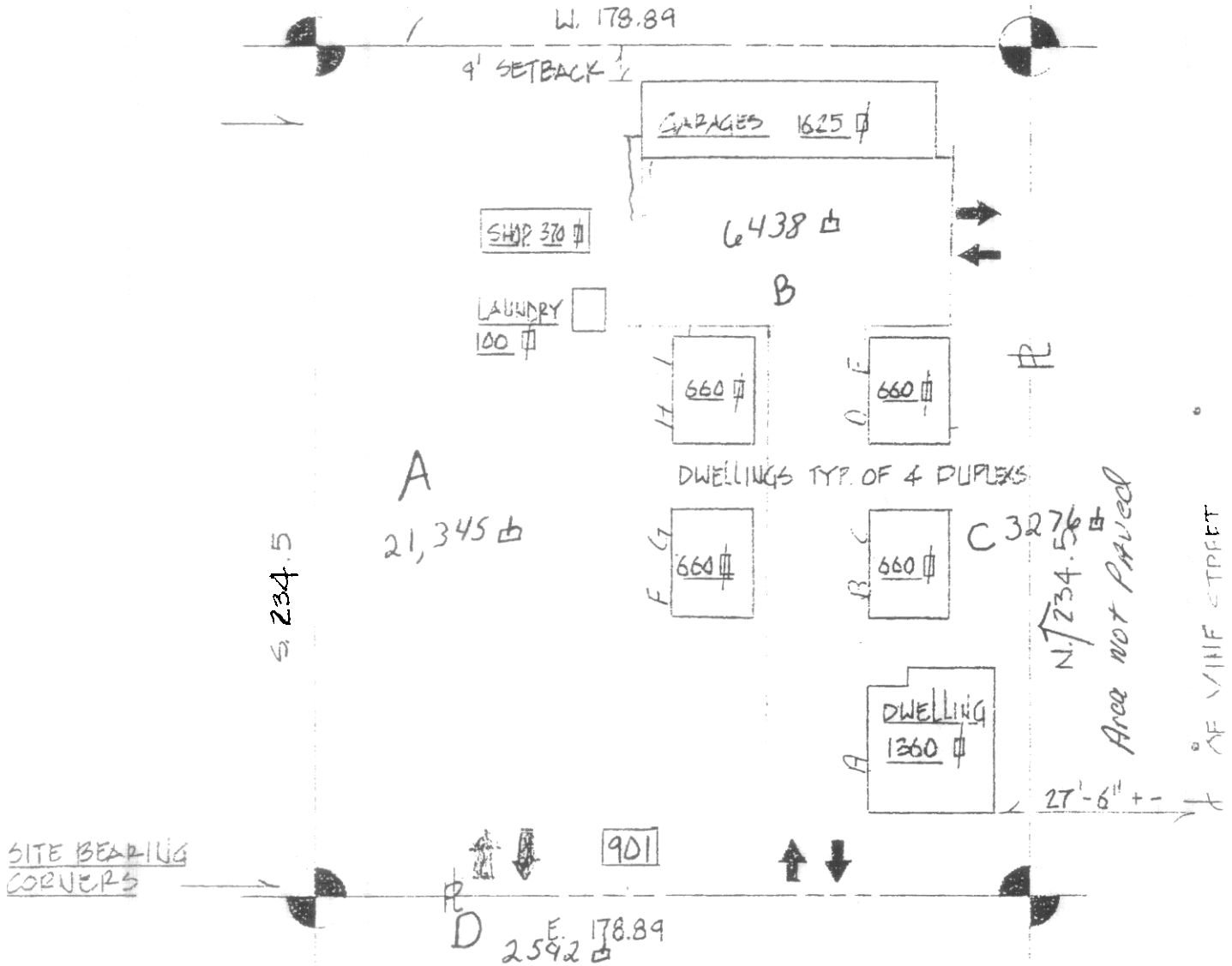
by

STEPHEN C. SNIDER

SCS:SW

cc: City Attorney's Office  
Public Works Department  
Richard Gallantine

PROPERTY LINES



SITE BEARING  
CORNERS

A \$9605.00  
B \$2751.00  
C \$1474.00  
D \$1166.00

CL OF CHEROKEE LANE

SITE PLAN LAYOUT

SCALE: 1"=2'

---

**CERTIFIED PUBLIC ACCOUNTANT**

---

**RICHARD CERESA**

---

March 14, 1996

To Whom It May Concern,

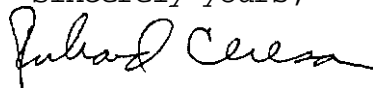
Re: Richard Galantine  
Rental 901 S. Cherokee Lane

Richard Galantine has been a tax client of mine since 1986 and I have prepared his Federal and State Individual Income Tax from 1986 through 1994.

Attached is a copy of the Schedule E (Supplemental Income and Loss - From Rental Property) for 901 South Cherokee Lane, Lodi, Ca., that was attached to his 1994 Federal Income Tax Return (Form 1040). The information used to prepare the Schedule E for 1994 for 901 S. Cherokee Lane was provided by Richard Galantine.

I have not audited or reviewed the information provided by the owner of the property in preparing the income tax returns.

Sincerely yours,



Encls:

Department of the Treasury  
Internal Revenue Service   
Name(s) shown on return

## Supplemental Income and Losses

(From rental real estate, royalties, partnerships, S corporations, estates, trusts, REMICs, etc.)

▶ **Attach to Form 1040 or Form 1041.** • **See Instructions for Schedule E (Form 1040).**

OMB No. 1545-0074

## 1994

Attachment Sequence No. **13**

Your social security number

RICHARD AND RENEE' GALANTINE

**Part I:** **Income or Loss From Rental Real Estate and Royalties** Note: Report income and expenses from your business of renting personal property on Schedule C or C-EZ (see page E-1). Report farm rental income or loss from Form 4835 on page 2, line 39.

		Yes	No
C	listed on line 1, did you or your family use it for personal purposes	A	X
	rental value during the tax year? (See page E-1.)	B	
		C	

Income:	Properties			Totals
	A	B	C	(Add columns A, B, & C.)
3 Rents received	3	7,140		3
4 Royalties received	4			4
<b>Expenses:</b>				
5 Advertising	5			
6 Auto and travel (see page E-2)	6			
7 Cleaning and maintenance	7			
8 Commissions	8			
9 Insurance	9			
10 Legal and other professional fees	10	110		
11 Management fees	11			
12 Mortgage interest paid to banks, etc. (see page E-2)	12			12
13 Other interest	13			
14 Repairs	14			
15 Supplies	15			
16 Taxes	16	1,891		
17 Utilities	17	1,080		
18 Plumbing and Electrical	18	6,847		
19 Add lines 5 through 18	19	9,928		19
20 Depreciation expense or depletion (see page E-2)	20	2,204		20
21 Total expenses. Add lines 19 and 20.	21	12,132		
22 Income (loss) from rental real estate or royalty properties. Subtract line 21 from 3 (rents) or 4 (royalties). If result is (loss), see page E-2 to find out if you must file Form 6198	22	-4,992		
23 Deductible rental real estate loss.	23	(4,992)		
24 Income. Add positive amounts shown on line 22. Do not include any losses	24			
25 Losses. Add royalty losses from line 22 and rental real estate losses from line 23. Enter the total losses here.	25			
26 Total rental real estate and royalty income or (loss). Combine lines 24 and 25. Enter the result here. If Parts II, III, IV, and line 39 on page 2 do not apply to you, also enter this amount on Form 1040, line 17. Otherwise, include this amount in the total on line 40 on page 2.	26			



12/31/94

## 1994 Federal Depreciation Schedule

Page 3

Client 1399

RICHARD AND RENEE' GALANTINE

o.	Description	Date Acquired	Date sold	Cost/ Basis	Bus. Pct.	Sec 179	Basis Reductn	Bonus Depr.	DB Deprec.	Salvage Value	Depr. Basis	Prior Deprec.	Method	Life	Rate	Depr.
Schedule E - RENTAL PROPERTY																
19	LAND - 901 SOUTH CHEROKEE	12/31/93		120,000							120,000					0
10	RESIDENCES-901 S. CHEROKEE	12/31/93		60,617							60,617		S/L	MM	27.5	.03636
				-----	-----				-----				-----			
Total Depreciation				180,617	0	0	0	0	0	0	100,617	0				2,204
				=====	=====	=====	=====	=====	=====	=====	=====	=====				=====

# RH & Associates

General Engineering Contractors

License No. 332-12 Class A

Telephone (209) 461-7317 • Post Office Box 6720 • Stockton, California 95206

INVOICE NO. 0019(95)

JOB NO. 95-012

DATE: May 25, 1995

Richard Galatine  
821 "B" South Cherokee Lane  
Lodi, California 95240

## CONSTRUCTION INVOICE

Pave parking lot on prepared grade at the corner of Cherokee Lane  
and Vine Street in Lodi, California as per Contract.

Contract Amount	I Job LS	\$15,000.00
Construction Completed	100%	15,000.00
AMOUNT DUE THIS INVOICE		\$15,000.00

*pd. 13,500  
P/R DON  
5/26/95  
CK # 2107*

AIR This Invoice: \$15,000.00

A/R Prcv Invoice: -0-

**Terms:** Payment due on or before June 1, 1995. Late payment will be assessed  
a 2% per month late fee. Mechanics Lien will be recorded 6/11/95 if  
payment is not received thereby.



IMAGE CHECK DOCUMENT

**Bank of Stockton**  
Established 1867

Page: 3

NAME: RICHARD GALANTINE  
ACCT: [REDACTED]

RICHARD GALANTINE 2100  
5-11-95 10-100/1011  
PAY TO THE ORDER OF BLUE CROSS OF CA. \$346.00  
THIRTY-FOUR HUNDRED SIX DOLLARS  
Bank of Stockton  
100 S. Market Ave., Stockton, CA 95202  
MEMO [REDACTED] #0000034600/

5/16/95 2100 346.00

RICHARD GALANTINE 2106  
5-26-95 10-100/1011  
PAY TO THE ORDER OF PG+R \$140.14  
ONE-HUNDRED FORTY DOLLARS  
Bank of Stockton  
100 S. Market Ave., Stockton, CA 95202  
MEMO [REDACTED] #0000014014/

5/31/95 2106 140.14

RICHARD GALANTINE 2101  
5-11-95 10-100/1011  
PAY TO THE ORDER OF ST. LOUIS SEWIER \$60.36  
SIXTY AND 36/100 DOLLARS  
Bank of Stockton  
100 S. Market Ave., Stockton, CA 95202  
MEMO [REDACTED] #000006036/

5/26/95 2101 60.36

RICHARD GALANTINE 2107  
5-26-95 10-100/1011  
PAY TO THE ORDER OF RH ASSOCIATES \$13500.00  
THIRTY-THOUSAND DOLLARS  
Bank of Stockton  
100 S. Market Ave., Stockton, CA 95202  
MEMO [REDACTED] #0001350000/

6/02/95 2107 13500.00

RICHARD GALANTINE 2102  
5-26-95 10-100/1011  
PAY TO THE ORDER OF PACIFIC BELL \$58.59  
FIFTY EIGHT AND 59/100 DOLLARS  
Bank of Stockton  
100 S. Market Ave., Stockton, CA 95202  
MEMO [REDACTED] #000005859/

5/31/95 2102 58.59

RICHARD GALANTINE 2103  
5-26-95 10-100/1011  
PAY TO THE ORDER OF SILVER CROWN PRO. DRNG. \$104.46  
ONE-HUNDRED FORTY SIX DOLLARS  
Bank of Stockton  
100 S. Market Ave., Stockton, CA 95202  
MEMO [REDACTED] #0000010446/

6/02/95 2103 104.46

RICHARD GALANTINE 2104  
5-26-95 10-100/1011  
PAY TO THE ORDER OF FIRST USA \$183.05  
ONE-HUNDRED EIGHTY THREE DOLLARS  
Bank of Stockton  
100 S. Market Ave., Stockton, CA 95202  
MEMO [REDACTED] #0000018305/

6/01/95 2104 183.05

RICHARD GALANTINE 2105  
5-26-95 10-100/1011  
PAY TO THE ORDER OF PG+R \$16.92  
SIXTEEN AND 92/100 DOLLARS  
Bank of Stockton  
100 S. Market Ave., Stockton, CA 95202  
MEMO [REDACTED] #000001692/

5/31/95 2105 16.92